

The Examiner stated that claims 19-21 are allowed. The Examiner also stated that "[c]laims 9, 10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Applicants gratefully acknowledge the Examiner's indication of allowable subject matter.

The Examiner rejected claims 1, 4-8, 12, and 14-17 under 35 U.S.C. §102(b) as being anticipated by Official Notice of the Examiner.

The amendments herein reflect communications between the Examiner and Applicants' legal representative, and Applicants respectfully believe that the claim 1, as amended herein, overcomes the §102(b) rejection as discussed *infra*.

35 U.S.C. §102(b)

As to claim 1, the Examiner states that:

"Examiner takes Official Notice that it was known in the art at the time of invention to conduct plays or movies with actors in a scene in which a first actor is speaking to a second actor who is displayed in a coffin. Both actors are living persons. The action of the scene is directed by a director.

An example of a play would be Romeo and Juliet written by Shakespeare, in which Romeo observes Juliet in a state of death on an open display stand and speaks to Juliet. An example of a movie or screenplay would be the movie 'Mommy Dearest' (Paramount Pictures, released 1981) in which a first actress portraying Christina Crawford spoke to a second actress portraying Joan Crawford, who was displayed in an open coffin. In both the play and the movie,

the actors operated under the direction of a director.

However, these are only examples, and examiner maintains that it is well known to depict scenes in which actors speak to other actors displayed in a coffin, under the direction of a director."

By amendment herein based on discussions with the Examiner, Applicants have added the following feature to claim 1: "wherein the second person is not acting in a theatrical performance, and wherein the second person is not rehearsing in preparation for acting in a theatrical performance." Claim 35 further clarifies the preceding added feature of claim 1 by stating the following examples of a theatrical performance: "a drama, a play, a movie, a storytelling, and a poetry recital." Accordingly, Applicants respectfully contend that claim 1, by having the preceding added feature, does not read on "plays or movies with actors in a scene in which a first actor is speaking to a second actor who is displayed in a coffin. Both actors are living persons. The action of the scene is directed by a director."

Applicants respectfully maintain that the preceding added feature of claim 1 is not new matter, because the patent application makes it clear that the present invention is intended to be used therapeutically in real-life situations, as illustrated by the following examples.

As a first example, the "Abstract" states on page 23, lines 3-4 that the present invention is a "therapeutic method and structure that facilitates healing estranged relationships, enhancing positive relationships, and breaking destructive habits."

As a second example, the Summary of the Invention states on page 2, lines 20-21 that the present invention is directed to "healing estranged relationships, enhancing positive relationships, breaking destructive habits," and "creating a strong appreciation of the second person by the first

person.”

As a third example, the Specification states on page 3, lines 11-19 that “The present invention of Death Visualization Therapy relates to a therapeutic method and structure that facilitates healing estranged relationships, enhancing positive relationships, and breaking destructive habits. Given a first person and a second person in a relationship, the relationship may be healed or enhanced by increasing an appreciation of the second person by the first person, and vice versa. The present invention is based on the idea that we don’t appreciate what we have until we lose it. Thus, by inducing the first person’s sense or impression of loss of the second person, the first person gains an increased appreciation of the second person which has the effect of healing or enhancing the relationship. The present invention utilizes a coffin for inducing the first person’s sense or impression of loss of the second person.”

Additionally, the patent application of the present invention does not teach or suggest that the present invention has application in a theatrical performance.

Based on the preceding arguments, Applicants respectfully contend that claim 1 is in condition for allowance. Since claims 4-10, 12-17, and 35 depend from claim 1, Applicants maintain that claims 4-10, 12-17, and 35 are likewise in condition for allowance.

CONCLUSION

In summary, based on the preceding arguments, Applicants respectfully believe that all independent claims and dependent claims, namely claims 1, 4-10, 12-17, 19-21, and 35, meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below.

Date: 9/14/2001

Jack P. Friedman
Jack P. Friedman
Registration No. 44,688

Schmeiser, Olsen & Watts
3 Lear Jet Lane
Latham, New York 12110
(518) 220-1850

09/584,610

9

Appendix A. Identification of Amended Material

In the Specification, the paragraph beginning on page 2, line 20 is amended as follows:

By having a first person mentally experiences a sense of loss of a second person, the present invention creates a strong appreciation of the second person by the [fist] first person.

Claim 1 is amended as follows.

1. (TIIRICE AMENDED) A therapeutic method for improving a relationship between a living first person and a living second person, comprising the steps of:

providing a coffin, wherein the coffin is visually available to the first person;

having the second person in the coffin;

directing the first person to see the second person as being in the coffin; and

instructing the first person to speak to the second person in relation to a relationship between the first person and the second person, wherein the second person is not acting in a theatrical performance, and wherein the second person is not rehearsing in preparation for acting in a theatrical performance.